

U.S.A. vs SABAS GARCIA-ALCANTAR

No. 08CR321-DMS

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|----------------------|---|
| <u>3161(h)</u>       |   |
| <u>(1) (A)</u>       | Exam or hrg for <b>mental or physical incapacity</b>  |
| <u>(1) (B)</u>       | <b>NARA examination</b> (28:2902)   |
| <u>(1) (D)</u>       | State or Federal trials or <b>other charges pending</b>   |
| <u>(1) (E)</u>       | <b>Interlocutory appeals</b>  |
| <u>(1) (F)</u>       | <b>Pretrial motions</b> (from flg to hrg or other prompt dispo)   |
| <u>(1) (G)</u>       | <b>Transfers from other district</b> (per FRCrP 20, 21 & 40)  |
| <u>(1) (J)</u>       | <b>Proceedings under advisement</b> not to exceed thirty days   |
| <u> </u>             | Misc proc: Parole or prob rev, deportation, <b>extradition</b>  |
| <u>(1) (H)</u>       | <b>Transportation</b> from another district or to/from examination or hospitalization in ten days or less   |
| <u>X (1) (I)</u>     | Consideration by Court of <b>proposed plea agreement</b>  |
| <u>(2)</u>           | <b>Prosecution deferred</b> by mutual agreement   |
| <u>(3) (A) (B)</u>   | <b>Unavailability of defendant or essential witness</b>   |
| <u>(4)</u>           | Period of <b>mental or physical incompetence</b> of defendant to stand trial  |
| <u>(5)</u>           | Period of <b>NARA commitment or treatment</b>   |
| <u>(6)</u>           | <b>Superseding indictment and/or new charges</b>  |
| <u>(7)</u>           | <b>Defendant awaiting trial of co-defendant</b> when no severance has been granted  |
| <u>(8) (A) (B)</u>   | <b>Continuances</b> granted per (h) (8)-use "T" alone if more than one of the reasons below are given in support of continuance   |
| <u>(8) (B) (I)</u>   | <p>1) Failure to grant a <b>continuance</b> in the proceeding would result in a <b>miscarriage of justice</b> and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.<br/> <b>(Continuance - miscarriage of justice)</b></p>                          |
| <u>X</u>             | <p>2) Failure to grant a <b>continuance</b> of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.<br/> <b>(Continuance - tendered a guilty plea)</b></p> |
| <u>(8) (B) (ii)</u>  | 2) <b>Case unusual or complex</b>   |
| <u>(8) (B) (iii)</u> | 3) <b>Indictment following arrest cannot be filed</b> in thirty (30) days   |
| <u>(8) (B) (iv)</u>  | 4) <b>Continuance</b> granted in order to obtain or substitute counsel, or give reasonable time to prepare<br><b>(Continuance re counsel)</b>   |
| <u>3161(I)</u>       | Time up to <b>withdrawal of guilty plea</b>   |
| <u>3161(b)</u>       | <b>Grand jury indictment time extended</b> thirty (30) more days  |

Date 2/21/08

NCS  
Judge's Initials